

JUL 22 2008

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

LINO FERMIN MEDINA,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney  
General,

Respondent.

No. 08-70790

Agency No. A97-854-241

MEMORANDUM\*

On Petition for Review of an Order of the  
Board of Immigration Appeals

Submitted July 14, 2008\*\*

Before: SCHROEDER, LEAVY and IKUTA, Circuit Judges.

This is a petition for review of the Board of Immigration Appeals' ("BIA")  
order affirming the denial of petitioner's application for cancellation of removal.

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\* This disposition is not appropriate for publication and is not precedent  
except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously finds this case suitable for decision without  
oral argument. *See* Fed. R. App. P. 34(a)(2).

The BIA affirmed the Immigration Judge's finding that petitioner was ineligible for cancellation of removal because his conviction under California Penal Code § 273.5(a) was for a crime of domestic violence under 8 U.S.C. § 1227(a)(2)(E)(i).

Petitioner does not dispute that he has been convicted under California Penal Code § 273.5(a) for willful infliction of corporal injury on a spouse or cohabitant, or that his conviction constitutes a crime of domestic violence under 8 U.S.C. § 1227(a)(2)(E)(i). Accordingly, respondent's unopposed motion for summary disposition is granted with respect to the denial of cancellation of removal because the questions raised by this petition for review are so insubstantial as not to require further argument. *See Gonzalez-Gonzalez v. Ashcroft*, 390 F.3d 649, 652 (9th Cir. 2004); *United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (per curiam) (stating standard).

Respondent's unopposed motion to dismiss is granted with respect to the denial of voluntary departure because we lack jurisdiction to review the discretionary denial of that form of relief. *See* 8 U.S.C. § 1252(a)(2)(B)(i); *Tovar-Landin v. Ashcroft*, 361 F.3d 1164, 1166 (9th Cir. 2004).

**PETITION FOR REVIEW DENIED in part; DISMISSED in part.**